IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2274 of 2005

Between:

1 Gubbala Chandra Rao, S/o.Peda Balliyya,
R/o.Gubbalavari St., Ramachandrapuram (M),

East Godavari District.
2 Gubbala China Babu, S/o.Peda Balliyya,
R/o.Gubbalavari St., Ramachandrapuram (M),

East Godavari District.

..... PETITIONERS

AND

1 The Commissioner of Endowments,

Govt. of Andhra Pradesh, Tilak Road, Hyderabad.
2 Asst. Commissioner of Endowments,

Govt. of Andhra pradesh, Rajahmundry,

East Godavari Dist.
3 Sri Agastheswara Swamy Temple,

Mutchimilli, Ramachandrapuram (M), East Godavari Dist.
rep.by its Manager.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondents proposing to finalize the transfer of the land of the third respondent in RS No.289/1 of Mutchililli village of Ramachandrapuram Mandal, East Godavari District pursuant to the Notice Dt.15-12-2004 for the purpose of establishing a compost yard without considering the representation/objections

filed by the petitioners Dt.12-1-2005 and 4-2-2005 as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to consider the request of the petitioners to purchase the said property or to put the property for public Auction.

Counsel for the Petitioner: Mr. GODEY SATISH

Counsel for the Respondents 1 and 2: GP FOR ENDOWMENTS

The Court at the admission stage made the following :

ORDER:

The petitioner claims to be an existing tenant of an agricultural land in RS.No.289/1 of Mutchimilli Village of Ramachandrapuram Mandal, East Godavari District, belonging to Sri Agastheswara Swamy Temple. The Commissioner of Endowments, 1st respondent, issued a notice, dated 15.12.2004 inviting objections for the proposal to alienate the land in favour of Ramachandrapuram Municipality for establishment of compost yard. The probable price is indicated as Rs.3,00,000/-. The petitioner states that his interests are very adversely affected and in fact he is prepared to pay the price at Rs.5,00,000/- and seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Endowments.

The notice dated 15.12.2004 referred to above was the subject matter of W.P.No.387 of 2005 filed before this Court by certain neighbouring residents of the land proposed to be alienated. The writ petition was disposed of through order dated 20.01.2005, directing that the respondents shall take into account the objections raised by the petitioner therein. It was also indicated that apart from the convenience of the petitioner therein, the interests of the temple need to be taken, particularly from the point of view of income that is fetched out of the land through leasehold rights. The grievance of the petitioner can also be considered by the same authorities.

Hence, the writ petition is disposed of, directing that it shall be open to the petitioner to make representation as well as to put forward his offer to purchase the land and that the same shall be taken into account by the respondents. In addition to the

directions issued in W.P.No.387 of 2005, it is further directed that if it becomes inevitable to alienate the land, the respondents shall put the same to auction either for the purpose of alienating to the highest bidder or to sell the land to the municipality. There shall be no order as to costs.

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11.02.2005

Note: Issue C.C. in three days.

(B/o)

Jsu

To

1 The Commissioner of Endowments,

Govt. of Andhra Pradesh, Tilak Road, Hyderabad.
2 Asst. Commissioner of Endowments,

Govt. of Andhra pradesh, Rajahmundry,

East Godavari Dist.
3 Two CCs to the GP FOR ENDOWMENTS,

High Court of A.P., Hyderabad (O.U.T.

4 Two CD Copies.